

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DENNIS WATSON,)
)
 Plaintiff,)
)
 v.) Civ. No. 07-344-GMS
)
 WILMINGTON POLICE DEPARTMENT,)
 et. al.,)
)
 Defendants.)

ORDER

WHEREAS, Dennis Watson ("Watson"), was a prisoner incarcerated at the Howard R. Young Correctional Institution, Wilmington, Delaware, at the time he filed this 42 U.S.C. § 1983 lawsuit, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, on June 7, 2007, the court entered an order and granted Watson leave to proceed *in forma pauperis*, assessing a filing fee of \$350, and on July 2, 2007, entered an order requiring Watson to submit his payment authorization form within 30 days (D.I. 4, 7);

WHEREAS, the July 2, 2007 order was returned as undeliverable and the envelope indicated that Watson has been released from prison;

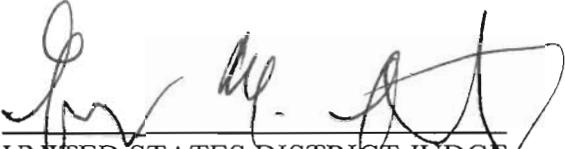
WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7th Cir. 1997); *see also Drayer v. Attorney General*, Nos. 03-2517, 03-2518, 81 Fed. Appx. 429 (3d Cir. 2003).

THEREFORE, at Wilmington this 24th day of ~~August~~, 2007, IT IS HEREBY

September

ORDERED that within thirty days from the date of this order, Watson shall either pay the filing fee owed (\$350.00) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so that the court may determine whether he is still eligible to proceed *in forma pauperis*.

NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.


UNITED STATES DISTRICT JUDGE

